

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:10cv174**

CAROLINA FIRST BANK,

Plaintiff,

v.

**CHARLES STAMBAUGH; and
CAMILLA STAMBAUGH,**

Defendants.

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ORDER

Previously, the Court denied Defendants' Motion to Compel and directed Defendants to show cause why the Court should not award Plaintiff its fees incurred in responding to the motion. (Order, July 12, 2011.) The Defendants filed their response to the Court's Order as an Objection to Magistrate Judge's Decision [# 27]. Upon a review of the record in this case and the parties' response to the Court's Show Cause Order, the Court finds that an award of fees is not warranted in this case. The Court cannot say that Defendants' Motion to Compel was so without merit or unjustified as to warrant the imposition of fees. Accordingly, the Court will not award fees pursuant to Rule 37(a)(5)(B). The Court **DIRECTS** the Clerk to terminate Defendants' Objection [# 27].

Signed: September 26, 2011

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

